

**ATTACHMENT A**

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF )  
COMCAST OF NEW CASTLE COUNTY, )  
LLC, D/B/A/ COMCAST CABLE FOR THE )  
COMMENCEMENT OF PROCEEDINGS )  
PURSUANT TO 47 U.S.C. § 546 REGARDING ) PSC DOCKET NO. 17-0507  
THE RENEWAL OF THE CABLE )  
TELEVISION FRANCHISE TO SERVE )  
CERTAIN UNINCORPORATED AREAS OF )  
NORTHERN NEW CASTLE COUNTY, )  
DELAWARE )  
(FILED MAY 30, 2017) )

**FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER**

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MARK LAWRENCE  
SENIOR HEARING EXAMINER

DATED: March 06, 2020

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Mark Lawrence, duly appointed Hearing Examiner in this Docket pursuant to 26 *Del. C.* § 502 and 29 *Del. C.* ch. 101 and by Commission Order No. 9182 dated February 2, 2018, reports to the Commission as follows:

**I. APPEARANCES**

On behalf of Comcast of New Castle County, LLC, d/b/a/ Comcast Cable (“Comcast North NCC” or the “Company”):

By: CHRIS COMER  
Director, Government and Regulatory Affairs

By: DONNA L. CULVER, ESQ.  
Morris, Nichols, Arsht & Tunnell, LLP

On behalf of the Public Service Commission Staff (“Staff” or “Commission Staff”):

By: THOMAS D. WALSH, ESQ.  
Deputy Attorney General

On behalf of the Division of the Public Advocate (“DPA” or “Public Advocate”):

By: REGINA A. IORII, ESQ.  
Deputy Attorney General

## **II. BACKGROUND**

1. On May 30, 2017, Comcast of New Castle County, LLC, d/b/a/ Comcast Cable (“Comcast North NCC”), filed with the Commission to commence proceedings, pursuant to 47 U.S.C § 546, to renew its cable television franchise to serve certain unincorporated areas of northern New Castle County, Delaware.

2. Comcast North NCC is the holder of a fifteen (15) year cable television franchise issued by the Commission in November 2005 (the “Franchise”) to provide cable television service in certain unincorporated areas of northern New Castle County (the “Franchise Territory”). The Franchise is set to expire on March 31, 2020, but includes a provision granting Comcast North NCC an option to request a renewal for an additional period not to exceed fifteen (15) years.

3. By PSC Order No. 9093, the Commission opened this Docket on July 25, 2017, designated R. Campbell Hay as the Hearing Examiner, and published public notice of this Docket. The Commission required that two (2) evening public comment sessions be held at appropriate locations within the Franchise Territory for the purpose of: (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

4. The Division of Public Advocate intervened as a party on July 21, 2017, pursuant to its statutory right.

5. On September 7, 2017, Comcast North NCC filed a Motion to Extend the Deadline to File Public Notice (and proof thereof) and for Intervention. On September 14, 2017, by PSC Order No. 9115, the Commission granted Comcast North NCC’s Motion holding that;

(a) the application publication date was extended until September 22, 2017;<sup>1</sup> and (b) the intervention deadline was extended until October 20, 2017.

6. Comcast North NCC published its application in the Delaware State News on September 18, 2017, and in the Cape Gazette on September 19, 2017. Comcast North NCC filed its affidavits of publications with the Commission on October 2, 2017.

7. On October 23, 2017, Comcast North NCC filed a Notice of Intention to Propose Revisions to Franchise Agreement and Reservation of Rights.

8. On February 2, 2018, by PSC Order No. 9182, the Commission substituted Senior Hearing Examiner, Mark Lawrence, as the Hearing Examiner in this docket. He was assigned all responsibility that Hearing Examiner Hay was assigned in the opening order.

9. On March 3, 2020, Comcast North NCC filed its proof of Certificate of Liability Insurance.

### **III. PUBLIC COMMENT SESSIONS**

10. The Commission Secretary published notice of two public comment sessions in the Cape Gazette on August 2, 2019 and in The News Journal on August 10, 2019.

11. Two (2) public comment sessions were held. The first was held on August 22, 2019, and the second was held on August 27, 2019. No members of the public attended either session, and no public comments were filed.

### **IV. FINDINGS AND RECOMMENDATIONS**

1. Pursuant to the Commission's instructions, I hereby submit for its consideration these proposed Findings and Recommendations.

2. The Commission has jurisdiction in this matter pursuant to 26 *Del. C.* § 201(a).

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<sup>1</sup> The Commission also required Comcast North NCC to file Proof of Publication with the Commission on or before October 6, 2017.

3. During the renewal process only one comment was received from the public; based upon its review, Staff has no knowledge of any significant service or quality issues associated with the franchise.

4. Comcast North NCC has met the requirements of 47 U.S.C. § 546(a-d) by requesting a renewal of the franchise and filing a proposed franchise agreement.

5. Pursuant to 26 *Del. C.* § 604(4), the Commission may renew a previously granted cable system franchise after conducting a public hearing for the sole purpose of reviewing the cable operator's performance and current qualifications. Based upon the two public comment sessions, I recommend that the Commission find that Comcast North NCC has satisfied this requirement.

6. Based on the above, I recommend the Commission grant the proposed Order approving the franchise agreement and extending the franchise for Comcast North NCC for a period of fifteen years.

Respectfully submitted,

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Mark Lawrence  
Senior Hearing Examiner